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JUSTICE FOR ODAG, CRM, OPDAT, ICITAP
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TAGS: [PGOV](#) [KJUS](#) [PHUM](#) [KCWI](#) [IZ](#)
SUBJECT: CHILDREN BEHIND BARS: IRAQI JUVENILES CHARGED WITH
TERRORISM

Classified By: Senior Advisor to the Rule of Law Coordinator Robert W.
Ogburn for reasons 1.4 (b), (d).

11. (C) SUMMARY AND COMMENT: Within the past year, there have been several high-profile cases of juveniles charged with terrorism. In the face of increasing detentions of children for serious crimes under Iraqi law, including terrorism, the Iraqi judiciary is ill-equipped to handle the volume and type of cases being developed. The corrections system is overwhelmed and unable to meet the legal requirements for rehabilitation. Juveniles in the criminal justice system face long delays in processing of their cases and are housed in dilapidated facilities or with adult prisoners. The Embassy actively monitors and provides substantial assistance to improve juvenile justice in Iraq. END SUMMARY AND COMMENT.

Juvenile Case Processing

12. (C) In 2006, due to increased insurgent targeting of judges hearing terrorism cases, the Higher Judicial Council moved all terrorist cases under the Central Criminal Court of Iraq (CCC-I) courthouse, in a more secure area of Baghdad. Judge Sabry Al-Saedy, of the CCC-I courthouse, is one of two juvenile investigative judges in Baghdad province, and is currently the authority on the investigative process for juveniles accused of terrorism. In October 2009, Judge Sabry attended the Embassy's Rule of Law Community Forum to discuss with international donors the current status and challenges of juvenile justice in Iraq. Juvenile detainees in Iraq are often arrested and accused of setting bombs, including Improvised Explosive Devices (IEDs), in addition to other crimes under Iraqi terrorism laws. The maximum sentence a juvenile may receive in any case, including terrorism, is a term of 15 years imprisonment. Few juveniles actually receive the maximum sentence, but Judge Sabry supports longer sentences for juveniles convicted of terrorism than are currently being imposed.

13. (C) The investigative process for juvenile cases is held in closed door sessions as required by the Iraqi Juvenile Care Law of 1983. Although confessions are used by the police to justify arrest and by the court to adjudicate cases, Judge Sabry noted that he looks for evidence of coercion by the police and other authorities. The judge is careful to examine the physical condition of the juvenile and ask if the defendant has suffered physical abuse from the police and/or the detention staff. If he suspects that the juvenile has been threatened by law enforcement, Judge Sabry explained that he would strike statements and in some cases throw out confessions. The result could be that the juvenile's case may be dismissed for lack of evidence, prompting release from detention.

Child Terrorists?

¶4. (SBU) Children are a growing part of the criminal and terrorist groups operating on the streets of Baghdad and in other areas such as Diyala and Ninewa provinces where sectarian violence remains widespread. According to Judge Sabry, the many wars, domestic strife, economic hardships, and lack of government programs are pushing juveniles to the streets and out of their homes and schools. Most of the juveniles detained and tried in Iraq's juvenile justice system are poor, uneducated, and lack family support.

¶5. (SBU) To illustrate his point, Judge Sabry cited two cases in which children are involved in terrorism. One case involves Nibras Ali A,abass, a 15 year old girl arrested in April 2009 and accused of participating in a Diyala market bombing. At age 13, Nibras,s family arranged her marriage to Mohammed Abdulla Hassan, a 25 year old Saudi Arabia citizen. Mohammed is believed to be a member of Al Qaeda in Iraq (AQI) and had married Nibras as part of an effort to force her to become a suicide bomber. However, when she became pregnant, she was no longer forced to perform the terrorist act. In April 2009, Nibras and her husband were arrested for terrorist related activity and for carrying false documents. Nibras was detained with her two year old son and then gave birth while in custody to her second child. (Children are allowed to remain with their incarcerated mothers in the facility until the age of three, at which time they must go to either a family member or an orphanage.) She is awaiting trial.

¶6. (SBU) A second example is Nibras, first cousin, Rania Ibrahim, who is also married to an alleged AQI member. In 2008, at age 15, Iraqi security forces caught Rania wearing a

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vest packed with explosives in an aborted suicide attack. She claims to have been drugged by relatives and forced into being a suicide bomber. In August 2009, the Diyala juvenile court sentenced Rania to 7.5 years for her role in the aborted attack. Rania,s case received heavy media coverage in Iraq and abroad. In the past year, Rania made public service announcements denouncing violence and terrorism. She is currently appealing her sentence.

¶7. (SBU) Most juveniles accused of terrorism are boys. Recent visits to the pre-trial boys, facility revealed that over two thirds of the boys are accused of terrorism. When asked, one of the boys stated that he was detained by local police because he was near where a bomb exploded, but denied being involved or having knowledge of the bombing. Other detainees make similar claims that they were just in the area of the bombing when they were arrested. It is difficult to gather evidence in these cases, resulting in delays of up to three years, while the law requires that juveniles should not be held more than 45 days in pre-adjudication status.

Housing Violent Juveniles in Baghdad

¶8. (C) Under the Iraqi Juvenile Care Law of 1983, which is on its face very progressive, MoLSA is charged with rehabilitation of juvenile offenders. As such, MoLSA operates five juvenile facilities in Iraq, one in Mosul and four in Baghdad. In Iraq, juveniles are housed without the use of a classification system. This means that detention and rehabilitation facilities do not separate inmates based on age or seriousness of the offense. Juveniles that are charged or convicted of terrorism are housed in the general population. The staff at the juvenile facilities are concerned that the presence of alleged terrorists among non-violent offenders stifles rehabilitation and poses significant security concerns. Based on site visits of the juvenile facilities, most are old, lack adequate space, and suffer from neglect. The housing units consist of rooms packed with wall to wall bunk beds and the bathrooms are communal with very basic sewer and plumbing systems.

19. COMMENT: Assistance to HJC and MoLSA remains a priority. The Embassy will continue to encourage HJC to address court delays, which will also reduce overcrowding in the juvenile facilities. Recent dialogue with MoLSA also opens the door to develop programs and capacity to improve physical conditions, education and vocational training, and training for staff in those facilities. END COMMENT.
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